CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	▼ Force	е [✓ Discourt.	U.S.
Liliana Manuel		Squad #3	201411295	— ☑ Abu		_ □ O.L.	Injury
					ı		1
Incident Date(s)		Location of Incident:		Precir	ict:	18 Mo. SOL	EO SOL
Friday, 10/24/2014 5:00 PM		Flatiron Plaza; Broadv Street	vay and East 23rd	13		4/24/2016	4/24/2016
Date/Time CV Reported		CV Reported At:	How CV Reported:	: Date	Time R	deceived at CC	RB
Thu, 11/06/2014 11:28 AM		CCRB	Mail	Thu,	11/06/2	2014 11:28 AM	1
Complainant/Victim	Туре	Home Addre	ess				
XXIII		T					
Witness(es)		Home Addr	ess				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Rafael Perez	13462	943668	013 PCT				
2. POM Jose Bueno	04866	932376	013 PCT				
3. An officer	04000	732310	013101				
Witness Officer(s)	Shield N	Io Tax No	Cmd Name				
1. POM Fernando Bisono	23628	950084	013 PCT				
Officer(s)	Allegation	o n			Invest	igator Recor	nmendation
A.POM Rafael Perez	Force: P	O Rafael Perez used phy	ysical force against and § 87(2)(b)				
B.POM Jose Bueno	Force: P	Force: PO Jose Bueno used physical force against					
C.POM Rafael Perez		Abuse: PO Rafael Perez seized \$87(2)(b) and \$87(2) s property.					
D. An officer		Abuse: An officer damaged §87(2)(b) s property.					
E. An officer	Discourt	esy: An officer spoke ru	idely to § 87(2)(b)				

Case Summary

On October 24, 2014, Air France Airlines was holding a promotional event at the Flatiron Plaza on Broadway and East 23 rd Street in Manhattan. At approximately 5:00 p.m., \$\frac{87(2)(0)}{2}\$ and \$\frac{87(2)(0)}{2}\$ who are representatives of People for the Ethical Treatment of Animals (PETA), staged a protest against Air France's practice of shipping primates. \$\frac{87(2)(0)}{2}\$ got onto the stage erected by Air France for their promotion, took hold of the microphone, and began to make a statement. \$\frac{87(2)(0)}{2}\$ and \$\frac{87(2)(0)}{2}\$ stood in front of the stage holding signs and masks. PO Rafael Perez and PO Jose Bueno of the 13 th Precinct mounted the stage. PO Perez pulled \$\frac{87(2)(0)}{2}\$ away from the stage and guided her to PO Bueno (Allegation A). PO Bueno led \$\frac{87(2)(0)}{2}\$ off of the stage and attempted to escort her through an opening in the metal barricades which formed a perimeter for the event. PO Bueno pushed \$\frac{87(2)(0)}{2}\$ against the barricades, causing her to fall over the leg of the barricade and injure her legs (Allegation B). PO Perez jumped in front of the stage, removed \$\frac{87(2)(0)}{2}\$ s masks from their faces, and pulled them both away from the stage (Allegations C). An officer also crumpled \$\frac{87(2)(0)}{2}\$ s sign (Allegation D). PO Perez escorted \$\frac{87(2)(0)}{2}\$ toward the exit of the event while PO Fernando Bisono of the 13 th Precinct escorted \$\frac{87(2)(0)}{2}\$ toward the exit. After the representatives were removed from the Air France area, an
officer approached stated, "You know you're an idiot," (Allegation E). There were no arrests or summonses issued in regards to this incident.
This complaint was filed by attorney and counsel for PETA, \$87(2)(b) who did not witness the incident (encl. 3a). \$87(2)(b) was present for the majority of the interviews and telephone statements taken.
Mediation, Civil and Criminal Histories
• Mediation was presented to \$87(2)(b) on December 2, 2014. \$87(2)(b) rejected
mediation (encl. 5c). Mediation therefore was not presented to the other victims. • As of December 11, 2014, neither \$87(2)(b) nor \$87(2)(b) had filed a Notice of
Claim with the City of New York. As of February 13, 2015, neither \$87(2)(b)
had filed a Notice of Claim with the City of New York. (encl. 11e &11k)
• A search of the Booking, Arraignment, and Disposition System revealed no prior arrests for (encl. 8a).
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
■ [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
Officer and Civilian CCRB Histories (encl. 1a-2d)
• This is the first CCRB complaint involving \$87(2)(b) and \$27(2)
. § 87(2)(b) filed one past complaint § 87(2)(b)
 PO Bueno has been a member of the NYPD for 11 years and has had one previous CCRB
allegation which was not substantiated. § 87(2)(9)

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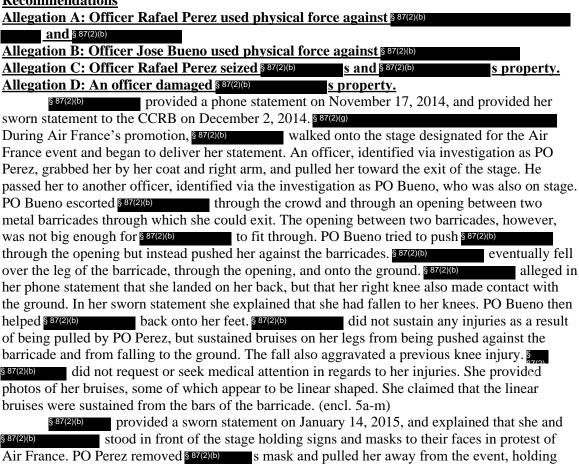
- PO Perez has been a member of the NYPD for eight years and has had one previous CCRB allegation, which was not substantiated. § 87(2)(9)
- On March 5, 2015, the undersigned investigator contacted the 13th Precinct roll call liaison and was informed by SPA Carter that PO Bisono was on military leave and would not return to the NYPD for at least five to six months (encl. 9n).

Findings and Recommendations

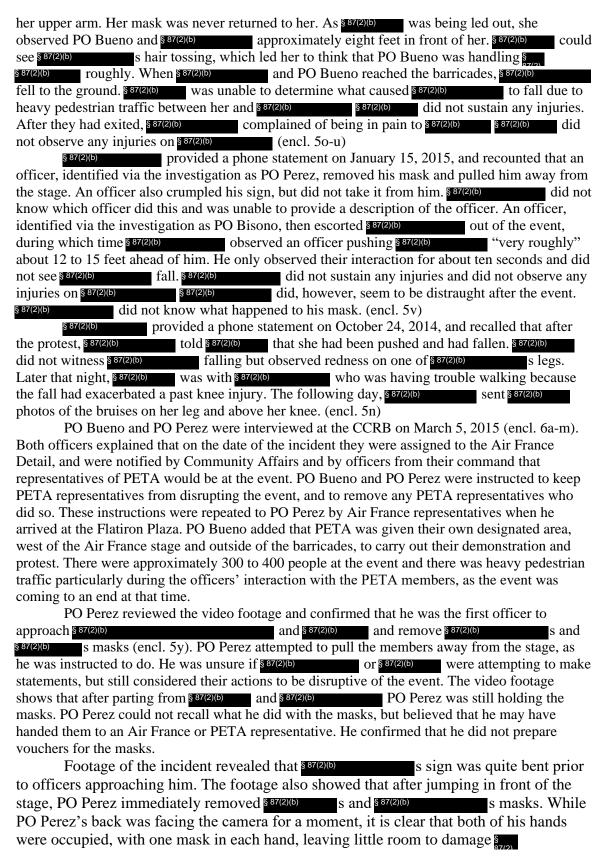
Allegations Not Pleaded Discourtesy – An officer spoke rudely to individuals: On February 6, 2015, \$87(2)(6) provided a telephone statement to the CCRB. \$87(2)(b) did not provide a sworn statement to the CCRB as he cancelled his CCRB interview and did not respond to subsequent contact attempts to reschedule. § 87(2)(b) and alleged that while standing outside of Air France event and § 87(2)(b) an officer approached them and stated something to the effect of, "That was really stupid of you." \$87(2)(b) confirmed that the officer did not direct this statement to anyone in particular (enc. 5x). No other victims or

witnesses described this alleged discourtesy in their statements. § 87(2)(9)

Recommendations



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stepped out of the camera frame for approximately two seconds. stepped out of the camera frame for approximately two seconds, and the sign appeared to be no more bent than it had been after those two seconds than it had originally been. PO Perez did not recall crumpling anyone's sign, and PO Bueno denied doing so. PO Bueno asserted that strongh which he directed her had been used throughout the event and that the opening in the barricade through which he directed her had been used throughout the event for people to enter and exit through. He claimed that the opening was of ample width for strongh was of ample width for strongh against or through the barricades and denied using any force. He did not know how she could have sustained the bruises depicted in her photos. PO Bueno denied seeing strongh fall and PO Perez stated that strongh the PETA members out of the event, and did not consider their physical interactions with the PETA members to be forceful.
Allegation E – An officer spoke rudely to §87(2)(b)
sanding with \$87(2)(b) and perhaps another PETA member, and stated to \$87(2)(b) "You know you're an idiot." \$87(2)(b) reviewed video footage and confirmed that PO Perez was not the officer who called her an idiot.
She was unable to identify PO Bisono or PO Bueno as the officer who did so. *87(2)(b) recalled an officer stating, "That was really stupid of you," as a general statement not directed at anyone in particular. \$87(2)(b) and \$87(2)(b) recalled that an officer approached them after they had been removed, but only recalled the officer stating that they had to move or could not
PO Bueno denied calling anyone an idiot, and stated that he did not interact with any of the PETA members after removing PO Perez could not recall if he called anyone an "idiot," but stated that he returned to the event immediately after escorting say(2)(5) past the stage. PO Bisono did not provide a statement to the CCRB because he is on military leave.
§ 8/(2)(g) (g)

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Pod:		
Investigator:Signature	Print	 Date
Supervisor:		
Reviewer:Title/Signature	Print	 Date
Reviewer:Title/Signature	Print	 Date